

1 A. I believe I had personal objectives that year.
2 So I suspect that I met those personal objectives that
3 were given to me. And the other objectives that were not
4 my personal ones, I would have met those requirements
5 where they could be specifically addressed to me as an
6 individual.

7 Q. Did you work on meeting those requirements
8 throughout the course of the fiscal year?

9 MR. SEEGULL: Objection.

10 A. Yes.

11 Q. What about for the second page?

12 MR. SEEGULL: Same objection.

13 BY MR. WILSON:

14 Q. Did you work throughout the fiscal year to meet
15 those objectives in order to earn that bonus?

16 MR. SEEGULL: Objection.

17 A. Yes.

18 Q. For the third page.

19 A. Yes.

20 MR. SEEGULL: Objection.

21 Q. You stated after the personal objectives were
22 taken off or when the AMIP was taken away, I can't
23 remember which it was, that you continued to do your
24 normal job?



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MR. SEEGULL: Objection.

A. Yes.

Q. Did you state that?

A. I believe I did.

Q. When you do your normal job, do you strive to meet the requirements of your job?

A. Yes.

Q. Do you strive to go above and beyond?

A. Yes.

Q. Do you go above and beyond?

A. Yes.

Q. Whether or not you were getting the AMIP bonus?

A. Yes.

Q. And why is that?

A. Because that's what's personally important to me.

MR. WILSON: I have nothing further.

MR. SEEGULL: No further questions.

(Deposition concluded at 11:10 a.m.)

- - - - -



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T E S T I M O N YDEPONENT: CHARLES D. FOLWELL, JR.PAGE

BY MR. SEEGULL..... 618
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E X H I B I T SDEPOSITION EXHIBIT NO.MARKED

39 - A letter dated March 7, 1997,
 to Charles D. Folwell, Jr., from
 Dorothy Eltzroth..... 648
 40 - A letter dated September 11, 2003,
 to Charles Folwell, Jr., from Jay Smith..... 678
 41 - An e-mail dated 12/4/2003..... 681
 42 - A multi-page document entitled,
 "CSC Open Line Confidential 5/18/04"..... 687
 43 - A two-page document entitled, "Fiscal
 Year 2003 AMIP"..... 695
 44 - Three documents Bates numbered D-11064,
 D-11092, and D-11119..... 698

ERRATA SHEET/DEPONENT'S SIGNATURE

PAGE 711

CERTIFICATE OF REPORTER

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REPLACE THIS PAGE
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STATE OF DELAWARE)

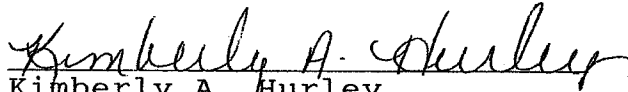
)

NEW CASTLE COUNTY)

I, Kimberly A. Hurley, Registered Professional Reporter and Notary Public, do hereby certify that there came before me on the 17th day of February, 2006, the deponent herein, CHARLES D. FOLWELL, JR., who was duly sworn by me and thereafter examined by counsel for the respective parties; that the questions asked of said deponent and the answers given were taken down by me in Stenotype notes and thereafter transcribed by use of computer-aided transcription and computer printer under my direction.

I further certify that the foregoing is a true and correct transcript of the testimony given at said examination of said witness.

I further certify that I am not counsel, attorney, or relative of either party, or otherwise interested in the event of this suit.


Kimberly A. Hurley

Certification No. 126-RPR
(Expires January 31, 2008)

DATED: _____

3/15/06

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B-0729

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

BRIAN MILLER, HECTOR CALDERON,)
CHARLES FOLWELL, DAWN M.)
HAUCK, KEVIN KEIR, ASHBY)
LINCOLN, KAREN MASINO, ROBERT)
W. PETERSON, SUSAN M. POKOISKI,)
DAN P. ROLLINS, and WILLIAM)
SPERATI,)

Plaintiffs,)

v.)

) C.A. No. 05-10-JJF

COMPUTER SCIENCES CORPORATION,)

Defendant.)

Deposition of ASHBY A. LINCOLN, III, taken pursuant to notice at the law offices of Potter Anderson & Corroon, Hercules Plaza, 6th Floor, Wilmington, Delaware, beginning at 12:55 p.m., on Friday, February 17, 2006, before Kimberly A. Hurley, Registered Merit Reporter and Notary Public.

APPEARANCES:

TIMOTHY J. WILSON, ESQUIRE
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1 APPEARANCES (cont'd):

2 TYLER B. RAIMO, ESQUIRE
3 COMPUTER SCIENCES CORPORATION
4 3170 Fairview Park Drive
5 Falls Church, Virginia 22042
6 for the Defendant
7

8 - - - - -

9 ASHBY A. LINCOLN, III,
10 the witness herein, having first been
11 duly sworn on oath, was examined and
12 testified as follows:

13 BY MR. RAIMO:

14 Q. Good afternoon, Mr. Lincoln.

15 A. Good afternoon.

16 Q. My name is Tyler Raimo. I'm an attorney for
17 CSC. That is Computer Sciences Corporation. With me
18 here is Larry Seegull who's also an attorney for CSC.
19 He's with the law firm of DLA Piper Rudnick.

20 The purpose of this deposition today is to
21 inquire about your allegations forming the basis of your
22 lawsuit against CSC.

23 Could you please state your full name for
24 the record?

A. Ashby Abraham Lincoln, III.



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1 Q. Mr. Lincoln, I'm going to go over some
2 instructions for the deposition and let you know today
3 I'm going to ask you some questions to find out what you
4 know, what facts give rise to your claim. Obviously all
5 your answers must be verbal, since the court reporter
6 cannot take down head nods or any other expressions.
7 Your answers must be truthful and complete. You must
8 provide testimony today just as if you were providing
9 testimony in court.

10 If you do not hear a question, say so and I
11 will repeat it. If you do not understand a question, say
12 so and I'll rephrase it for you. If you realize that an
13 earlier answer you had given is inaccurate or incomplete,
14 say so and I'll allow you to correct the record.

15 If you want to stop to take a break at any
16 time, let me know and we will do so.

17 If you do not know or do not remember the
18 information necessary to answer a question, please say
19 so. You cannot talk to your attorney during the
20 deposition or discuss your testimony until the deposition
21 has concluded. You cannot seek advice from your attorney
22 during the deposition unless it relates to a question of
23 privilege.

24 If you answer the question, I'll assume



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1 that you have heard it and understood it and have given
2 me the best recollection you have.

3 Do you understand these instructions?

4 A. Yes.

5 Q. Are you taking any medication that could
6 possibly impair your ability to understand any questions
7 that I have for you today?

8 A. No.

9 Q. What did you do to prepare for this deposition
10 today?

11 A. I researched some of the records that I have.
12 I looked at my offer letter that I got from CSC at the
13 time I came to the DuPont account. I looked at some of
14 the AMIP records that I have. I looked at my pay stubs.
15 And other documents along those lines.

16 Q. Let's go back to those documents. You said
17 your offer letter when you joined the DuPont account?

18 A. Yes.

19 Q. CSC's offer letter to you?

20 A. That is correct.

21 Q. You said pay stubs?

22 A. Yes.

23 Q. What were the other documents?

24 A. The AMIP form for one of the years that I



1 received the bonus.

2 MR. WILSON: That reminds me. He just gave
3 me that today. I'll give you a copy of that. We had not
4 previously produced this.

5 MR. RAIMO: Off the record.

6 (Discussion off the record.)

7 BY MR. RAIMO:

8 Q. In addition to the form your attorney had just
9 given us, are there any other documents that you reviewed
10 in preparation for the deposition?

11 A. Over a period of time, yes. My house got
12 flooded and a lot of documents that I have don't exist
13 because of that. But, yes, I looked at each of my AMIP
14 statements. I looked at the pay stubs. We always
15 received this bonus the first pay period of June. I have
16 supplied -- you should have some of those documents.
17 Performance appraisals in researching to see what
18 constituted the bonus that I received in that particular
19 year.

20 Q. When you said "AMIP statements," what are you
21 referring to?

22 A. A statement such as that.

23 Q. A worksheet?

24 A. Yes, it would be a worksheet. That's a



1 worksheet that shows what the criteria for the bonus is.
2 Doesn't show what the bonus is actually going to be for
3 that year.

4 MR. RAIMO: Could you mark this Exhibit 45?
5 (Deposition Exhibit No. 45 was marked for
6 identification.)

7 BY MR. RAIMO:

8 Q. Mr. Lincoln, what you're looking at is
9 Exhibit 45 that the court reporter just handed you. Can
10 you tell me what this document is?

11 A. This is a worksheet that was used to calculate
12 the amount of the bonus for the particular year, 2002
13 fiscal year.

14 Q. So fiscal year 2002?

15 A. That's correct.

16 Q. CSC's fiscal year runs between April 1st to
17 March 31st?

18 A. That's essentially correct. It runs somewhere
19 around the 1st of April to the end of March. Depends on
20 which day a Saturday is on.

21 Q. This would be for fiscal year '02 which would
22 have run between April 1st, 2001, through March 31st,
23 2002?

24 A. That is correct.



1 Q. This is a document that your attorney had given
2 us today?

3 A. Yes.

4 Q. We both can refer to this as the AMIP
5 worksheet?

6 A. Yes.

7 Q. Mr. Lincoln, how did you receive this document?

8 A. I received this in a meeting that I had with my
9 manager.

10 Q. Who is your manager?

11 A. Carlo Rodriguez.

12 Q. So we're talking about the FY '02 time frame.
13 I'll just back up.

14 What was your position at the time?

15 A. I was senior manager of Managing Work Services
16 for the DuPont account, CSC.

17 Q. Where were you, geographically speaking?

18 A. Newark, Delaware.

19 Q. What business unit did you support?

20 A. I supported Network Engineering Services. No
21 business unit. It's an internal support.

22 Q. Was it GIS?

23 A. It was GIS.

24 Q. But you were with the business unit GIS?



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1 A. That's the CSC business unit, the DuPont
2 account. Not DuPont business units.

3 Q. GIS was a business unit, but you were
4 supporting the DuPont account?

5 A. That's correct.

6 Q. I'm sorry. Could you state your manager's name
7 again?

8 A. Carlos Rodriguez.

9 Q. What was his title?

10 A. Director of Network Engineering Services.

11 Q. You said you were a senior manager?

12 A. Yes.

13 Q. Do you know what level you were at the time?

14 A. SO 6.

15 Q. When did you receive this document here?

16 A. My records indicated that I saved it on my
17 computer in January of 2003.

18 Q. So you saved it, but you would have received it
19 earlier than then, correct?

20 A. Right. It could have been on an attachment on
21 an e-mail, but I elected to save it on that date. So I
22 had it prior to that, but I don't know how much earlier
23 than that.

24 Q. I see this document is somewhat incomplete,



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1 correct, because "Actual" and "Actual Award" is not
2 filled out?

3 A. That is correct.

4 Q. So we could refer to this as a preliminary
5 worksheet, AMIP worksheet, rather than a completed AMIP
6 worksheet?

7 A. The completed AMIP worksheet would have had the
8 actual award on it. The actual award hadn't been
9 determined, but the criteria for the award was here.

10 Q. When would CSC have determined the actual AMIP
11 award?

12 A. It would have been determined after the fourth
13 quarter earnings were announced. So I would guess that
14 would be mid-May.

15 Q. You wouldn't receive a completed AMIP worksheet
16 until the end of the fiscal year?

17 A. It would be after the end of the fiscal year.
18 We would have to do the earnings for the fourth quarter
19 which would take four to six weeks. Once they were
20 announced, just almost exactly as those earnings were
21 announced, the AMIP worksheet was completed and we
22 received the AMIP bonus the first pay period in June.

23 Q. So CSC would have to close its books, calculate
24 the numbers to plug into or enter into the AMIP worksheet



1 in order to complete this worksheet which would have been
2 at the end or after the fiscal year?

3 A. That's correct. I can't tell you -- I can look
4 at that sheet and see the \$2.10 earnings per share budget
5 number, but I don't know whether that was at the end of
6 the third quarter, second quarter. It's a worksheet.

7 Q. You're assuming that the earnings per share
8 could have been a quarterly earnings per share, not an
9 annual?

10 A. That's correct. The actual earnings would
11 show. This form does not show that, but it shows that
12 the budget was \$2.10 which would have been the projected
13 budget for the year. I don't know what the actual was,
14 but I know it was in excess of that.

15 Q. That's because the year is not up and this is a
16 preliminary worksheet?

17 A. That's right.

18 Q. This is telling us what the criteria is. CSC
19 couldn't have filled this out during the middle of the
20 year.

21 A. No.

22 Q. When I say "middle," the fiscal year.

23 A. Correct. I guess it could, but I don't know
24 whether it would.



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1 Q. They wouldn't have the information?

2 A. That's correct.

3 Q. Let's go back to talking about this as a
4 preliminary worksheet. We were just talking about the
5 actual worksheet completed.

6 I know you mentioned before that you said
7 you saw this last saved on your computer I believe in
8 January of 2003.

9 A. Correct.

10 Q. Do you know when you received this document,
11 the preliminary worksheet, Exhibit 45?

12 A. I don't recall exactly when I would have
13 received this document, but memory serves me that we
14 would do this exercise in October or early November.

15 Q. In this case it would have been October or
16 November calendar year 2001 for fiscal year 2002.

17 A. Correct.

18 Q. You stated that your supervisor had given you
19 this document.

20 A. That is correct.

21 Q. Was it hand-delivered to you, was it mailed to
22 you, or was it e-mailed to you?

23 A. No. We met. The top part of the form, the
24 financial objectives, were already on the form. The



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1 comments below under "Team and Individual Objectives"
2 would have been created by he and I. Primarily me with
3 his concurrence. That essentially was the same each
4 year.

5 Q. The team and individual objectives?

6 A. Yes.

7 Q. Focusing on team and individual objectives like
8 you just said, what was the name of your team?

9 A. Network Engineering Services.

10 Q. That was every year, when you said every year?

11 A. Every year. Then it was called Network
12 Engineering Services. Today it's called Managed Network
13 Services and it's the same. Both names mean the same
14 thing.

15 Q. Your overall objectives could have had the same
16 theme to it, but could they have also changed each year
17 about your objectives?

18 A. Some could, but they would be along the lines
19 of I'm working on project A this year and next year I'm
20 working on project B. We would have completed the
21 project with whatever the goals for the year were in
22 terms of what the projects were for DuPont. One of the
23 years would have said complete refresher DuPont network.
24 Another one would have said remote access services for



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1 entire DuPont globally. But they are the same type
2 things. That job was engineering.

3 So to be specific on these goals, these
4 team objectives would have been only customized according
5 to precisely what we were working on that year, but they
6 were the same type things.

7 Q. Same type things, A and B, but you would have
8 had to go about it differently in accomplishing those
9 goals?

10 A. No. They are the same type things. Network
11 Engineering Services is a very, very specific function.
12 We handle networks for Computer Sciences Corporation.
13 It's essentially we provide the highways that your car is
14 traveling on. We have to make sure those highways are
15 sufficient to handle that traffic. You can look at it
16 that way. So every project we worked on, we're
17 essentially making sure that we had the capacity to
18 handle these in the DuPont account in terms of usage by
19 all our employees.

20 Q. The DuPont client had different needs every
21 year?

22 A. If they were going to use DuPont performance
23 coatings, as an example, they may be creating new paint
24 colors and there may be a lot of chemical transactions



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1 being passed back and forth. We had to make sure there
2 was capacity to do that.

3 In the legal profession, the same thing.
4 We had to make sure that the attorneys who are handling
5 all the lawsuits that they were participating in were
6 able to handle that traffic. The cases today with
7 financial systems that comes from Falls Church to Newark,
8 we have to make sure there's the capacity to do that.
9 You're located in Falls Church, so you know the traffic
10 issues we have been having, right?

11 Q. I have encountered a few.

12 What you do every year would also depend
13 utmost primarily on the client. If the client's needs
14 have changed, then CSC would have to adapt to bring the
15 proper --

16 A. That is correct. We have to customize or
17 create the capacity to handle the needs that -- we had
18 SLAs, service level agreements, that would tell us what
19 we had today in order to keep them happy.

20 Q. So these could change.

21 A. Well, yeah, but when you're talking about
22 something like an SLA that's contractually included, it
23 doesn't change. You please your DuPont customer, yes.
24 That means you're meeting the SLAs.



1 Q. I see that under "Individual" for "Customer
2 satisfaction to the highest degree possible."

3 A. That is correct.

4 Q. That's something that may not change all the
5 time. But, for instance, No. 1 that says under "Team,"
6 "Provide New Technical Statement of Direction on a
7 monthly basis." I'm not sure what the "new" means, but
8 it may be a new project that you're working on?

9 A. That would mean that we were looking at
10 industry offerings, we were analyzing what the industry
11 had to offer, new service offerings, new tools, new
12 capabilities, new functionality, and we were charged with
13 doing that research and giving a report to DuPont monthly
14 on what we had seen and what we would recommend be
15 deployed to their environment. And they could say yes or
16 no to that or thank you very much.

17 Q. How about the weighting of these averages here?
18 I'm still under "Team and Individual Objectives." Could
19 that have changed?

20 A. Yes, that could have changed.

21 Q. Going up to the financial objectives, "EPS,"
22 "Cost Budget," and "Cost Budget," it looks like under
23 "Measure," could those also have changed?

24 A. Yes. What you're looking at there, the



1 earnings per share was a projection at the time this
2 document was put together. At the time the budget was
3 put together for the year, the budgets are put together
4 starting in about November/December for the following
5 year and published about this time of year. And that
6 will be for the next year. That would include what we
7 think the earnings per share would be. That's what this
8 number would be.

9 The regional Americas budget you see,
10 \$1.443.2 million, would have been a budget number that
11 would have been part of the budget projection for the
12 year. And the global number that you are seeing would be
13 a global number that would be supplied.

14 Now, as the accounting department does the
15 quarterly earnings, they would track that and at the end
16 of the year, if we exceeded those three categories, then
17 I would be eligible for 100 percent of the bonus.

18 Q. But it could change?

19 A. Sure, it could change, but it -- if we didn't
20 meet one of these, then that percentage would go down.
21 But the percentage was consistent. If you met the three
22 criteria, that line there, that was 100 percent of the
23 budget. Those three things, I never knew them to ever
24 change.



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1 Q. When you said "those three things," I want to
2 be sure. Under the "Description" column --

3 A. Yes.

4 Q. -- you see in the "Measure" there, there's sort
5 of an upside-down triangle?

6 A. Yes.

7 Q. What does that triangle do?

8 A. You see the "Cost Budget" by "2," that's a
9 dropdown. And the reason you see cost budget 2 and 3 is
10 because the dropdown was the same for each of those and
11 "Cost Budget" was selected.

12 Q. But if you clicked on that icon, it would drop
13 down and give you more options of what measure you could
14 put in there?

15 A. That is correct. I don't personally know of
16 those ever changing. They could, but I don't know that
17 they ever did.

18 Q. Could have been something like operating income
19 or margin?

20 A. It could have. I'm sure it was used on
21 different accounts different ways. I'm only familiar
22 with what was done on the DuPont account. I'm only
23 familiar with what was done on the network engineering
24 side of the DuPont account. I don't know what would have.



1 been done with the SDM organization or any other part of
2 the DuPont account.

3 Q. Your supervisor gave you this preliminary
4 worksheet, correct?

5 A. Yes, that is correct.

6 Q. What happened to it after? Did he give it to
7 you to hold onto?

8 A. He held onto it. I have a copy of it for
9 whatever reason. Then at the end of the year, when I got
10 the award, this would have been filled out. I did not
11 receive that.

12 Q. You mean what would have been filled out here?

13 A. Actual.

14 Q. After the fiscal year was completed, the actual
15 would have been filled out.

16 A. Right. The actual, the achievement percentage,
17 the payout percentage would have been completed and I
18 would have been eligible in that particular line for
19 \$3,980. You may have that information. I don't
20 personally have that information on a form like this.

21 Q. You mean the completed worksheet?

22 A. That's correct.

23 Q. You were never provided the completed
24 worksheet?



1 A. No.

2 Q. How were you told what your AMIP bonus would
3 be?

4 A. Showed up in my paycheck.

5 Q. Did anyone tell you what the makeup of the AMIP
6 bonus was or what the actuals were?

7 A. He didn't come back and tell me that he changed
8 or didn't change what the criteria was. This was the
9 criteria that we had established. I don't know how he
10 could have changed that without consulting me.

11 Q. Until you received this preliminary worksheet,
12 you didn't know how your AMIP would be calculated?

13 A. I didn't know how it would be calculated, but I
14 knew what the percentage would be if the criteria were
15 met.

16 Q. What the percentage would be placed in the
17 preliminary worksheet or what the percentage would be
18 after the fiscal year ended?

19 A. On the form it says "Maximum Bonus Potential"
20 up in the upper right-hand column. I knew that.

21 Q. That represents the 25 percent. Is that what
22 you're pointing to?

23 A. It represents 20 percent.

24 Q. I'm sorry. 20 percent of your salary.



1 A. That's right.

2 Q. I was looking at "Team & Individual,"
3 25 percent.

4 A. That 25 percent "Team & Individual Goals" goes
5 with the bottom part of the form under "Team and
6 Individual Objectives."

7 Q. But you didn't know what your maximum AMIP
8 percentage would be until the close of the fiscal year or
9 even before that until you even received this Exhibit 45.

10 A. I always knew it was 20 percent.

11 Q. You knew that that was what you could get up
12 to. That was what you were eligible for, 20 percent of
13 your salary.

14 A. That's correct.

15 Q. But that wasn't the maximum. Excuse me.
16 That's the maximum of what you could get. Is that what
17 you're saying?

18 A. That is correct. That's the maximum I could
19 get, and we always got the maximum.

20 Q. You always achieved all of your goals?

21 A. We had 25 percent chance of achieving the goals
22 on the bottom of the form which we met. The top part,
23 75 percent, which were the financial objectives of the
24 company of which I had no control over, we met those



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1 goals; therefore, we got 75 percent of the bonus. And
2 that was defined in that section of the performance
3 evaluation.

4 The point I'm trying to make is that we
5 always -- I participated in creating the budgets for the
6 fiscal year. We included the AMIP bonus amounts in the
7 budget. People who are eligible for an AMIP bonus today
8 for next year, it's being put in the budget now for next
9 year because all budgets are charged to the individual
10 line of service.

11 So if I receive a bonus, it's in my budget.
12 I control the budget -- I control the \$30 million budget
13 today. The bonuses that are going to be received by
14 employees next year are in the bonus today -- in the
15 budget today.

16 Q. They're budgeting for an AMIP bonus, but it
17 doesn't mean that the employee's guaranteed that bonus.

18 A. I understand.

19 MR. WILSON: Object to the form.

20 Q. Yes or no?

21 A. No, I don't believe that. I believe that the
22 time we create the budget we are believing that we're
23 going to pay that budget out. When we created the AMIP
24 budget amounts for people who reported to me at the time,



1 we fully expected to pay those budgets out and, in fact,
2 I always did. Before my budget was stopped the year or
3 two before, a change was made to the plan that said
4 people who do not manage people will no longer be
5 eligible for AMIP, and we told the people that at the day
6 they got their bonus. We told them they would not get
7 another bonus because they were no longer eligible unless
8 they managed people.

9 I had that kind of information.

10 Q. Let me just parse that out a little bit. Just
11 backing up to your last statement, you said that you saw
12 an AMIP plan?

13 A. I'm not sure I understand the question.

14 MR. RAIMO: Could you repeat his last
15 response to me?

16 (The reporter read back as instructed.)

17 BY MR. RAIMO:

18 Q. Mr. Lincoln, you mentioned that there were
19 changes made to the plan in your last answer, and what
20 I'm asking you is what plan are you referring to there?

21 A. When we were called into a meeting to get the
22 information to give the bonus to the people who reported
23 directly to us, simply tell us that the AMIP bonuses were
24 now ready to be paid, please inform these employees that



1 they are getting this bonus this year, that this is the
2 last AMIP bonus they're going to get because the criteria
3 has changed.

4 Q. When was this meeting?

5 A. This meeting would have been in May of a year.
6 I can't tell you what year it was.

7 Q. You're saying there was a meeting among whom?

8 A. We were called into a meeting --

9 Q. Who called you into the meeting?

10 A. My manager, Carlos Rodriguez, called me into a
11 meeting, called a group of us into a meeting who had
12 people reporting to us who were receiving an AMIP bonus.

13 Q. You were called by your manager to talk to you
14 about people who were reporting to you who had received
15 an AMIP bonus?

16 A. Yes.

17 Q. What did he tell you in that meeting?

18 A. He told us that this would be the last bonus
19 that these people would be receiving because they did not
20 manage people.

21 Q. When was this particular meeting? I know you
22 said --

23 A. Are you asking me for what year that happened?
24 I cannot recall. I can give you a guess.



1 Q. Yes.

2 A. 2002. I subsequently met two or three people
3 that were getting the bonus and told them that they would
4 not get the bonus anymore because they didn't manage
5 people; the criteria had changed.

6 Q. The criteria had changed in May?

7 A. That's when I was informed.

8 Q. That's when you were informed about the
9 criteria.

10 A. Yes.

11 Q. When did the change go into effect?

12 A. We told them it was effective immediately.

13 Q. So those employees were, then, no longer
14 eligible for AMIP?

15 A. That is correct.

16 Q. Was their AMIP prorated?

17 A. I don't know.

18 Q. When you managed employees who were eligible
19 for AMIP, did you go through the worksheet process?

20 A. Yes. Yes.

21 Q. When would you give these employees, these
22 AMIP-eligible employees, a preliminary worksheet?

23 A. In October, early November of the year.

24 Q. When would they receive their completed



1 worksheet?

2 A. They wouldn't receive a completed worksheet.

3 Q. Why was that?

4 A. I don't know. I never saw -- I have never ever
5 seen a completed worksheet. I think it's probably
6 because it's called a worksheet. I was never ever given
7 a completed worksheet on any of my employees.

8 Q. But did you ever receive a completed worksheet?

9 A. No. In fact, I never had the information on
10 exactly what bonus any of those employees got, either.

11 Q. As a manager, you weren't informed of what they
12 received as an AMIP bonus.

13 A. No.

14 Q. We may return to this.

15 I know I was asking you about any other
16 documents you were reviewing for the deposition in this
17 case here. Were there any others besides this document,
18 Exhibit 45, the pay stubs, and I believe you said --

19 A. Offer letter.

20 Q. -- an offer letter. Are there any other
21 documents in addition to that?

22 A. I don't believe so. None that come to mind
23 right now.

24 Q. I know you said you met with your attorney,



1 Tim Wilson. Was there anyone there, anyone else at the
2 meeting with you and Tim?

3 A. No.

4 Q. Other than Mr. Wilson, did you speak with
5 anyone else regarding your testimony today?

6 A. No.

7 Q. Have you been known by any other name besides
8 Ashby Lincoln?

9 A. No.

10 Q. Could I have your Social Security number?

11 A. 223-52-9791.

12 Q. Your date and place of birth?

13 A. November 3rd, 1942, Lynchburg, Virginia.

14 Q. Your current residence?

15 A. Lorton, Virginia.

16 Q. Phone number?

17 A. 703-541-2306.

18 Q. How long have you lived at that residence?

19 A. Two years.

20 Q. Anyone else live with you today there?

21 A. Yes.

22 Q. Who?

23 A. My fiance'.

24 Q. Have you ever been married?



1 A. Yes.

2 Q. Do you have any children?

3 A. Yes.

4 Q. How many?

5 A. Two.

6 Q. Have you ever been arrested?

7 A. No.

8 Q. Any conviction or felony or misdemeanor?

9 A. I had a herd of speeding tickets.

10 Q. Reckless driving?

11 A. No. Just speeding. Well, no. When I was
12 17 years old, I lost my license for six months. Running
13 from the police at the time.

14 Q. Running from the police?

15 A. Back when I was 17, it is different than it is
16 today. So I lost my license for six months.

17 Q. Anything else happen to you then?

18 A. No.

19 Q. Why were you running from the police?

20 A. You want to be on the record with this answer?

21 Q. Yes.

22 A. Okay. I was born out in the country. That's
23 what we did back then. Seventeen years old. And the
24 state trooper would see me the next day and say, "One of



1 these days I am going to catch you," but if I got home,
2 they wouldn't come in the driveway and get you.

3 It was just different then. Today it's a
4 very serious thing. Back then it was no big deal.

5 Q. Did you get your license back?

6 A. Oh, yes.

7 Q. Did you ever serve in the military?

8 A. Yes.

9 Q. What branch?

10 A. Air Force.

11 Q. What dates?

12 A. June of '62 until October '66.

13 Q. What rank did you have?

14 A. E-5.

15 Q. What would that equate to?

16 A. Staff sergeant.

17 Q. What duties did you perform?

18 A. I worked in the officer records section,
19 division. Stationed in South Carolina, Shaw Air Force
20 Base.

21 Q. What type of discharge did you have?

22 A. An honorable discharge.

23 Q. When did you first contact an attorney to
24 handle your case against CSC?



1 A. I was actually contacted.

2 Q. By whom?

3 A. I received a letter asking me whether I want to
4 participate, and I did.

5 Q. Do you know who authored the letter?

6 A. No. Who authored. It came from here. It came
7 from his law firm, but I don't know who started the
8 lawsuit.

9 Q. The letter came from Mr. Wilson's law firm to
10 you?

11 A. Yes. As I recall.

12 Q. Was there a cover letter to the letter?

13 A. Yes, I'm sure there was.

14 Q. Mr. Lincoln, I'm showing you what is marked
15 Exhibit 4.

16 A. Yes. This could have been it.

17 Q. Take your time and look at it.

18 A. This could be the letter that I received,
19 although I don't have any recollection of it.

20 Q. Do you remember when you received the letter?

21 A. It says December 5th, 2003, so I would assume
22 that would be about right.

23 Q. Late 2003?

24 A. Could have been. I was living when I received



1 it -- where was I living at the time? I was in Virginia
2 by that time, by the time I received that letter. I'm
3 not sure I got that letter. I know that there was --
4 there's been a problem with me getting the documentation
5 timely or getting the information timely. So that may
6 not have caught up with me in Delaware. Says
7 December 3rd, but I was gone from Delaware by that time.

8 So I'm not sure that anyone would have had
9 my current address. So I'm not sure how I would have
10 gotten that letter.

11 Q. Do you know how they got your address?

12 A. No.

13 Q. But you're saying this letter came from someone
14 in Mr. Wilson's office?

15 A. I'm not sure of that. I keep my information on
16 the CSC directory current which a lot of people don't do,
17 but my home address is on there. So it could have been
18 pulled up by one of the other people involved and found
19 the address. But I don't recall. I just don't recall
20 that letter.

21 Q. This letter acknowledges that CSC had the right
22 to change employees' salaries and bonuses at any time
23 because CSC employees are at-will employees. Correct?
24 It says in the second paragraph, "Although we were hoping



1 that the Attorneys would find that the removal/reduction
2 of the AMIP participation was in violation of our letters
3 of employment, they indicated to us that Delaware's
4 Employment at Will provisions strongly favor a
5 corporation's right to set salary, bonus, etc. at any
6 time to remain competitive."

7 A. That's what it says.

8 Q. The letter simply argues that CSC can't change
9 employee salaries and bonuses retroactively, correct?

10 A. That's what it says, correct.

11 Q. You're an at-will employee at CSC, correct?

12 A. That's correct.

13 Q. You're not claiming that CSC didn't have the
14 right to change your AMIP bonus at any time, correct?

15 MR. WILSON: Object to form. You can
16 answer.

17 A. At any time? I'm sure that they could change
18 the terms of the AMIP plan. I'm not convinced that they
19 can change it retroactively. I do believe they have a
20 right to run their business and change the plan
21 accordingly, but I do believe there's an obligation to
22 inform the participants that that change is taking place
23 currently, not retroactively. And I do believe the bonus
24 is earned based on my participation and putting the



1 figures in the budgets and my experience in dealing with
2 people who got bonuses and when they were taken off.
3 This is different. This was handled totally differently.
4 It was retroactive.

5 Q. So you're saying your claim only entails the
6 beginning of the fiscal year, April 1st, 2003, through
7 September of 2003. Some period of time you were notified
8 of the change in 2003. That time frame of bonus prorated
9 bonus, that's what your claim is about?

10 A. Yes.

11 Q. But you do understand that CSC has the right to
12 make a change to its AMIP bonus as a business judgment in
13 order to remain competitive in the marketplace, seek
14 revenue to make profit?

15 A. Absolutely.

16 Q. Your annual performance reviews have nothing to
17 do with this case, do they?

18 A. Not directly they don't. However, if I had
19 been rated a 4, I would not have been eligible for the
20 bonus, period. I would have gotten zero. It does have a
21 play.

22 Q. How do you know that? How do you know if you
23 were rated a 4, you wouldn't have been eligible?

24 A. Because I participated in people -- I had that



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1 criteria when people worked for me got the bonus.

2 Q. Where is that criteria set out?

3 A. I have to assume it's part of the AMIP plan
4 because I was told that that criteria was --

5 Q. You have never seen an AMIP plan?

6 A. No.

7 Q. But directly your annual performance reviews
8 have nothing to do with this case?

9 A. That's correct.

10 Q. You believe that, if you were rated a 4, you
11 would have been ineligible to participate in the plan?

12 A. Correct.

13 Q. Have any lawsuits ever been filed against you?

14 A. No.

15 Q. Have you ever filed any other lawsuits --

16 A. No.

17 Q. -- apart from this one?

18 A. No.

19 Q. Have you ever been a witness in a lawsuit?

20 A. No.

21 Q. Arbitration?

22 A. No.

23 Q. Administrative hearing?

24 A. No.



1 Q. Have you ever filed for bankruptcy?

2 A. No.

3 Q. Unemployment?

4 A. Yes.

5 Q. When?

6 A. When I was laid off by CSC.

7 Q. Could you give me those dates?

8 A. One month after I received my letter that I was
9 no longer eligible for a bonus anymore, I was RIF'd.

10 Q. Do you know approximately when that was?

11 A. November 8, 2003. And I moved to Falls Church
12 and went back to work for CSC January 26, I believe,
13 2004.

14 Q. Did you give any testimony at that time for
15 unemployment?

16 A. No.

17 Q. How much income did you receive from
18 unemployment compensation?

19 A. Couple thousand dollars.

20 Q. Total?

21 A. Yes. In around \$2,000. Something like that.
22 Right at \$2,000.

23 Q. Have you ever made a workers' comp. claim?

24 A. No.



1 Q. Workers' compensation benefits or insurance?

2 A. No.

3 Q. Have you ever been interviewed or deposed by an
4 attorney in connection with any matter or any lawsuit?

5 A. No.

6 Q. I have asked you that before, I believe.

7 Do you have any relatives that work at CSC?

8 A. No.

9 Q. I just want to get background on your
10 education. I guess you could start with high school, if
11 you will.

12 A. I graduated from Augusta Military Academy in
13 Fort Defiance, Virginia, 1961. Spent the next five years
14 in the Air Force. Attended University of South Carolina
15 and American University. Did not graduate; do not have a
16 degree.

17 Q. What were you studying at South Carolina?

18 A. I was studying accounting and I studied
19 history.

20 Q. That was right after the Air Force?

21 A. That was still in the Air Force.

22 Q. You were still in the Air Force?

23 A. Yes.

24 Q. When you were discharged from the Air Force --



1 A. I went to work for First Colony Life Insurance
2 Company in Lynchburg, Virginia.

3 Q. I'm sorry. While you were in the Air Force,
4 you also attended American University?

5 A. Yes.

6 Q. You didn't complete a degree?

7 A. No.

8 Q. You were saying after you left the Air Force,
9 your employer was --

10 A. First Colony Life Insurance Company.

11 Q. In addition to your college education, did you
12 receive any other training or specialty courses?

13 A. No.

14 Q. Have you ever received any professional or
15 work-related certifications?

16 A. No.

17 Q. Immediately before you started working for CSC,
18 where did you work?

19 A. I was in business for myself. I retired in
20 1993. 1993, that's correct. Went into business for
21 myself. Then that didn't work out, so I went to work for
22 CSC in '98.

23 Q. What was your business?

24 A. Restaurant. Sports bars. Something I wanted



1 to try. I don't advise it.

2 Q. Where was the venture?

3 A. In Lynchburg, Virginia.

4 Q. You said you retired. Where did you retire
5 from?

6 A. First Colony Life Insurance Company.

7 Q. You were there --

8 A. No. You want a work history?

9 Q. Yes.

10 A. I started with First Colony Life as a
11 programmer trainee. I was the first one they had. I
12 stayed there for seven years, left there, went to work
13 for EDS.

14 Stayed with EDS for two years and in
15 January 1974 I moved to Westfield Center, Ohio, and went
16 to work for Westfield Companies, which was also
17 insurance. I was manager of the life insurance
18 operations. Stayed there for 10 years.

19 I left there in July of 1984 and went to
20 Bankers National Life Insurance Company in New Jersey as
21 vice president and chief information officer. We were
22 purchased by Consec, large holding company out of
23 Indianapolis. I was senior vice president and CIO for
24 Consec.



1 In about 1987, after being gone from First
2 Colony for 19 years, they contacted me and asked me to
3 come back to First Colony and be their CIO. My dad was
4 dying at the time and I did that. And I went back and
5 stayed there for another four years. Hated it, so I
6 retired. Because Conseco was the most fun job I ever
7 had. So I retired. And then you already heard the rest
8 of the history.

9 Q. At any of these jobs prior to going into the
10 restaurant business, were you eligible for a bonus plan?

11 A. Yes.

12 Q. In which jobs?

13 A. From Westfield all the way through till the
14 time I retired, I got a bonus every year.

15 Q. So you didn't receive one when you were with
16 EDS?

17 A. No.

18 Q. You weren't when you were with --

19 A. First Colony the first time. No bonuses up
20 through EDS. When I went to work for Westfield, then I
21 had a bonus every year from that point on.

22 Q. Was that three different employers you had
23 bonus plans?

24 A. Westfield.



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1 Q. Bankers National and --

2 A. Westfield, Bankers National/Conseco, and First
3 Colony.

4 Q. How did the First Colony bonus plan work? Was
5 it an annual plan?

6 A. Yes.

7 Q. Did you ever see the plan?

8 A. No.

9 Q. How were the bonuses calculated?

10 A. There was a percentage. If you met the
11 numbers, we got the bonus. The bonus was about
12 20 percent of the annual salary.

13 Q. Who was eligible for that bonus?

14 A. Officers of the company.

15 Q. Only officers, senior management?

16 A. No. Officers.

17 Q. Not even senior management, just officers of
18 the corporation.

19 A. That's correct.

20 Q. You knew you were eligible for that bonus
21 because you were an officer of the company, you were the
22 CIO?

23 A. Correct.

24 Q. How much was your last bonus?



1 A. First Colony?

2 Q. First Colony.

3 A. Twenty percent.

4 Q. What was your salary?

5 A. One hundred thirty-four thousand dollars.

6 Q. You received the full bonus?

7 A. Yes. That particular year I got the highest
8 rating in the company. That was less mysterious. We
9 always knew what those bonuses were going to be.

10 Q. Bankers National, how was that bonus
11 calculated?

12 A. I don't know how it was calculated.

13 Q. But you received --

14 A. Numerical bonus. I think making \$75,000, I
15 believe, and I got a \$10,000 bonus. In the two-year
16 period with Consecos, I got a \$65,000 bonus from Consecos.

17 Q. With Consecos what was the eligibility
18 requirement there?

19 A. Same thing. Officers. CIO. Consecos at the
20 time was just making spectacular numbers. Plus stock
21 options.

22 Q. You don't know how it was calculated?

23 A. I don't think it was calculated at Consecos.

24 The board would just meet and decide what the bonus was



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B-0770

1 going to be.

2 Q. Was that on an annual basis?

3 A. Yes.

4 Q. After the end of, say, their fiscal year?

5 A. Which was December 31st. Bankers, they
6 actually did the bonus in November because they knew what
7 the numbers were going to be by that time. They had
8 already calculated the numbers.

9 Q. Before the end of their fiscal year?

10 A. Yes.

11 Q. They must have estimated --

12 A. They knew what the numbers were going to be.
13 Only six weeks left in the year. In the insurance
14 industry, you pretty much know what your revenue is going
15 to be. You can reserve what you think your liability is
16 going to be and you can go from there.

17 Q. Because of premiums being paid into the
18 insurance company?

19 A. That's correct. You knew what they were going
20 to be.

21 Q. Doesn't work like a normal operating company?

22 A. That's right.

23 Q. A little different.

24 Mr. Lincoln, when did you start working at



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B-0771

1 CSC?

2 A. October '98.

3 Q. How did you get the position at CSC?

4 A. When I had been in the insurance industry, we
5 used Continuum Company software packages and I knew
6 people at CSC, so I called one, told him I was looking
7 for a job. That's how I got it.

8 Q. Where was this?

9 A. Austin, Texas.

10 Q. What were you doing?

11 A. Senior manager, property and casualty
12 insurance.

13 Q. What business unit was that?

14 A. Financial Services Group.

15 Q. FSG?

16 A. FSG.

17 Q. You mentioned you were a senior manager there?

18 A. Yes.

19 Q. What were your duties there?

20 A. Installing property and casualty systems for
21 insurance companies.

22 Q. Who was your supervisor?

23 A. John McCormick.

24 Q. What was your SO level there as a senior



1 manager?

2 A. 6. 06.

3 Q. What was your starting salary?

4 A. Eighty-five thousand, I believe.

5 (Deposition Exhibit No. 46 was marked for
6 identification.)

7 BY MR. RAIMO:

8 Q. Mr. Lincoln, the court reporter just handed you
9 Exhibit 46. Do you recognize this document?

10 A. Yes.

11 Q. What is it?

12 A. It's the offer letter dated September the 18th
13 from John McCormick, Computer Scientist.

14 Q. The letter offers you a specific salary, right?

15 A. Yes.

16 Q. You were not made eligible to participate in
17 CSC's Management Incentive Program in this letter,
18 correct?

19 A. That is correct.

20 Q. When did you first become eligible to
21 participate in AMIP?

22 A. When I went to the DuPont account.

23 Q. When was that?

24 A. August or September of 2000. I believe it was



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B-0773

1 2000. That's about right.

2 Q. Was that an assignment or a transfer to the
3 DuPont account from your FSG position?

4 A. That was a transfer.

5 Q. Was that transfer originated by you or was it
6 done by CSC?

7 A. Done by me.

8 Q. Why did you transfer?

9 A. Wanted to get back on the East Coast. I don't
10 like Austin, Texas.

11 Q. When you transferred to Newark, Delaware, who
12 was your supervisor?

13 A. Carlos Rodriguez.

14 Q. Do you know why you were not eligible for AMIP
15 when you were at FSG?

16 A. It was never discussed when I interviewed for
17 the job, so I never knew of the bonus then.

18 Q. Did you ever ask?

19 A. No.

20 (Deposition Exhibit No. 47 was marked for
21 identification.)

22 BY MR. RAIMO:

23 Q. Mr. Lincoln, the court reporter has handed you
24 Exhibit 47. Do you recognize this document?



1 A. Yes.

2 Q. Can you tell me what it is?

3 A. It's an offer letter from the Chemical Group of
4 CSC for an opportunity in Delaware supporting the DuPont
5 account.

6 Q. This letter offers you a specific salary,
7 right?

8 A. That is correct.

9 Q. It mentions what your biweekly salary will be,
10 correct?

11 A. That is correct.

12 Q. You were still an employee at will at this
13 time, correct?

14 A. Correct.

15 Q. The text specifically states in this letter
16 that your participation in the AMIP program will be for
17 fiscal year ending March 31st, 2001, correct?

18 A. Correct.

19 Q. It doesn't say anything here about your
20 guaranteed eligibility going forward, correct?

21 MR. WILSON: Object to form.

22 A. No.

23 Q. The letter doesn't mention anything about your
24 participation in AMIP after the close of fiscal year



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1 ending 2002, correct?

2 A. Correct.

3 Q. The letter states that AMIP bonuses are
4 generally made payable within 45 days of the close of the
5 fiscal year, correct?

6 A. That is correct.

7 Q. You never knew how AMIP bonuses would be
8 calculated until later in the fiscal year, right, after
9 the close of the fiscal year?

10 A. I'm not sure I understand the question.

11 Q. You wouldn't know what your AMIP bonus would be
12 until after the close of the fiscal year, correct?

13 A. That is correct.

14 Q. You were laid off during fiscal year 2004,
15 correct?

16 A. Correct.

17 Q. You mentioned that was November 18, 2003?

18 A. November 6 or 8, something like that.

19 Q. Do you know why you were laid off?

20 A. Yes. Because they were reducing staff because
21 of financial considerations.

22 Q. CSC was having a poor financial --

23 A. No, they weren't having anything poor at all.
24 That's just what the letter stated that the reason was.



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B-0776

1 We were getting to have another action and stated
2 earnings are a third higher than the Wall Street
3 projections. So those layoffs off the DuPont account
4 were not related to the profitability of the company.
5 They may have wanted to reduce costs to get the ROI up,
6 but there were no financial issues at the time.

7 Q. They were performing work for a DuPont client,
8 correct?

9 A. Correct.

10 Q. To perform work at a profitable rate for a
11 client, you want to reduce costs, correct?

12 A. You want to contain costs.

13 Q. What do you mean by "contain costs"?

14 A. You certainly don't want -- you want to perform
15 as budgeted. In the Chemical Group context, they were
16 constantly trimming budgets and increasing the ROI.

17 Q. So CSC was making decisions in order to
18 contain --

19 A. They were squeezing --

20 Q. Let me finish my question so we don't talk over
21 each other.

22 -- contain costs and continue to operate
23 the business and make legitimate business reasons in
24 order to obtain profit. Is that correct?



1 A. You could say that.

2 Q. Were others laid off, as well, when you were
3 laid off?

4 A. Yes.

5 Q. How many?

6 A. Probably half a dozen. From the time I got to
7 the DuPont account in 2001, the numbers went from about
8 300 plus down to about 100. So there were probably half
9 a dozen of these reductions over the course of time.

10 Q. Were you rehired?

11 A. Yes.

12 Q. When?

13 A. January 2004 at Falls Church.

14 Q. To what position?

15 A. Manager of Network Engineering Services.

16 Q. What group was that?

17 A. Federal GIS now.

18 Q. Were you hired into CSC's federal sector?

19 A. Yes.

20 Q. Who is your supervisor currently?

21 A. Patricia Keener. Pat Keener.

22 Q. Were you laid off at any other time during your
23 CSC career?

24 A. No.



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B-0778

1 Q. Did you participate in any orientations when
2 you first began working at CSC?

3 A. When I first went to work for CSC, yes, I did.

4 Q. When was that?

5 A. October of 1998.

6 Q. Who conducted that orientation?

7 A. It was done by a number of people in Austin.

8 It was a three-day introduction to CSC policies and
9 procedures.

10 Q. Do you contend that any of the documents you
11 received at that orientation support your claim to
12 entitlement of a bonus?

13 A. No. That was never the purpose of that
14 orientation.

15 Q. You weren't eligible for a bonus at that time.

16 A. That's correct.

17 Q. Did you go through another orientation when you
18 were rehired at CSC?

19 A. No. Let me correct that. There was an
20 hour-long phone call to go over the handbook, the
21 corporate handbook.

22 Q. Do you know who conducted that phone call?

23 A. No, I don't recall. It was somebody -- I don't
24 know where they were.



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B-0779

1 Q. Interactive phone call or just a recording?

2 A. It was an interactive phone call.

3 Q. Were AMIP bonuses discussed?

4 A. No. It was just an orientation of CSC policies
5 and procedures, tell you CSC sources. They gave you
6 direction on how to interact with HR, it would explain
7 the medical benefits, that kind of thing. But it didn't
8 go into any of the customization-type things that would
9 have been outside of that umbrella.

10 Q. You were rehired in January of 2004, correct?

11 A. Correct.

12 Q. During your orientation nothing was discussed
13 regarding AMIP bonuses?

14 A. No.

15 Q. You're currently in the AMIP bonus program now?

16 A. No.

17 Q. You're not?

18 A. It's a different bonus program.

19 Q. What is that?

20 A. It's referenced in the letter that I have
21 taking me off AMIP bonus, it mentions in that letter that
22 you can be eligible for a \$10,000 or \$5,000 bonus at the
23 discretion of somebody. And I am currently receiving
24 that bonus, but I did not receive that bonus the last



1 year I was at DuPont.

2 Q. CSC you mean?

3 A. Yes. The gentleman that gave me the letter,
4 Tom Saienni, apparently had the option of giving me the
5 bonus, a new bonus, that's outlined in the letter which
6 does not cover the specifics, but he did not do that.

7 Q. Is that a discretionary bonus, the new bonus?

8 A. Right.

9 Q. You were notified that you were no longer
10 eligible for the AMIP bonus in September of 2003,
11 correct?

12 A. Yes.

13 Q. Could you say the person's name again?

14 A. Tom Saienni.

15 Q. How do you spell that?

16 A. S-a-i-e-n-n-i. Something like that.

17 Q. You continued to perform your job after you
18 learned you were not eligible for an AMIP bonus in
19 FY '04, correct?

20 A. Right.

21 Q. You continued to fulfill your job expectations
22 and duties, right?

23 A. Yes. Those didn't change.

24 (Deposition Exhibit No. 48 was marked for



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1 identification.)

2 BY MR. RAIMO:

3 Q. Mr. Lincoln, the court reporter has provided
4 you with what's been marked Exhibit 48. Could you tell
5 me what this document is?

6 A. That is the letter that I received from
7 Tom Saienni that explained to me that I was no longer
8 eligible for the AMIP program retroactive back through
9 April the 1st.

10 Q. But you were told in this letter also that you
11 were eligible to earn a discretionary bonus.

12 A. That is correct.

13 Q. That's what you mentioned before, the same
14 discretionary bonus we talked about a minute ago.

15 A. That is correct. In fact, when I got this
16 letter from Tom, he told me I would be getting that
17 bonus, and I didn't get it, so I called Tom and he said,
18 "Oh, no, I didn't recommend that bonus for anybody."

19 Q. So you didn't receive any discretionary bonus
20 as of that year?

21 A. No. I expected to get that one, as well,
22 because he did tell me I was going to get it.

23 MR. RAIMO: Could we go off the record?

24 (Discussion off the record.)



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1 BY MR. RAIMO:

2 Q. Mr. Lincoln, do you know anyone at CSC who
3 received a prorated bonus?

4 A. Yes.

5 Q. Who was that?

6 A. His name -- you want his name?

7 Q. Yes.

8 A. Hank Stoklosa, S-t-o-k-l-o-s-a.

9 Q. Could you tell me why you know he received --

10 A. He transferred from the Chemical Group to GIS
11 in Fort Worth and he received a prorated bonus based on
12 the number of months he was with Chemical Group for that
13 particular year.

14 Q. When did that transfer occur?

15 A. 2001 probably.

16 Q. He was eligible for AMIP at that time?

17 A. Yes.

18 Q. He was just doing an intracompany or
19 interbusiness unit, CSC transfer?

20 A. Yes.

21 Q. So he remained on AMIP, however, when he went
22 to GIS?

23 A. No. When he went to GIS, he was no longer
24 eligible for the AMIP bonus, so he received a prorated



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1 bonus for the number of months he was on the Chemical
2 account before he transferred.

3 Q. Do you know what SO level he was?

4 A. He was a 5. I believe he was a 5.

5 Q. Do you know what position that is?

6 A. He was an engineer, senior engineer.

7 Q. Do you know why he transferred?

8 A. He wanted to.

9 Q. He initiated the transfer?

10 A. Yes. He knew the people down in Fort Worth
11 that were doing the things he was doing. He did an awful
12 lot of work with them anyway, so he wanted to work with
13 them. He didn't go to Fort Worth. He just started
14 working with the people from Fort Worth. He still stayed
15 in Delaware.

16 Q. How do you know he received a prorated bonus?

17 A. He worked for me. I took care of it for him.

18 Q. How did you do it?

19 A. He contacted us saying he didn't get his bonus
20 and I went and checked on the eligibility rules and the
21 decision was made that, yes, absolutely, the right thing
22 to do is to give him the bonus, he earned it.

23 Q. He checked the eligibility rules or you
24 checked?



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